

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6340

BILL NUMBER: SB 345

NOTE PREPARED: Apr 4, 2013

BILL AMENDED: Apr 2, 2013

SUBJECT: Use of Restraints and Seclusion in Schools.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR: Rep. Clere

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill establishes a commission on seclusion and restraint in schools to adopt rules concerning the use of restraint and seclusion in schools and develop a model restraint and seclusion plan. It requires a school corporation and accredited nonpublic school to have in place a restraint and seclusion plan for the 2014-2015 school year.

Effective Date: Upon passage.

Explanation of State Expenditures: *Department of Education (DOE):* The DOE has to provide administrative support for the Commission on Seclusion and Restraint in Schools. The DOE should be able to accomplish this within existing resources.

Commission on Seclusion and Restraint in Schools: The total cost of supporting the commission is unknown at this time. The commission is required to meet at least annually from 2013 to 2015 (i.e., a minimum of two times) and may meet as often as is necessary during this period. Each member of the commission, who is not a state employee, is entitled to per diem (\$75.00 a day), traveling expenses (\$0.55 per mile), and other expenses actually incurred in connection with the member's duties.

The commission would consist of nine members: eight lay members and the designee of the State Superintendent, who will serve as chairperson. The commission has to develop a model restraint and seclusion plan for schools before August 1, 2013.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Model Restraint and Seclusion Plan*: School corporations and accredited non-public schools have to adopt and implement a model restraint and seclusion plan not later than July 1, 2014. The plan must at least incorporate the elements of the model plan developed by the Commission.

Under the bill, a school corporation or its employees, acting in reasonably good faith under the plan, would have qualified immunity with respect to any action taken to promote good student conduct.

School corporations should be able to develop a plan within existing resources. However, there may be some costs involved in implementing certain elements of the plan.

Explanation of Local Revenues:

State Agencies Affected: Department of Education

Local Agencies Affected: School corporations; Charter schools; Accredited non-public schools.

Information Sources:

Fiscal Analyst: David Lusan, 317-232-9592.